

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re ENRON CORPORATION
SECURITIES, DERIVATIVE &
"ERISA" LITIGATION,

MDL DOCKET NO. 1446

MARK NEWBY, et al., Individually and
On Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

CIVIL ACTION NO. H-01-3624

ENRON CORPORATION, et al.,

Defendants

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, et al., Individually and
On Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

KENNETH L. LAY, et al.,

Defendants.

DAVID JOSE, et al.,

Plaintiffs,

vs..

CIVIL ACTION NO. H-03-1087

ARTHUR ANDERSEN, LLP, et al.,

Defendants.

RICHARD COUCHROUN, et al.,

Plaintiffs,

vs

CIVIL ACTION NO. H-03-3320

ARTHUR ANDERSEN, LLP, et al.,

Defendants.

MARY BAIN PEARSON and
JOHN MASON, et al.,

Plaintiffs,

vs

ANDREW S. FASTOW, ET AL.,

Defendants.

FRED and MARIANNE ROSEN, et al.,

Plaintiffs,

vs

ANDREW S. FASTOW, ET AL.,

Defendants.

HAROLD and FRANCIS AHLICH, et al.,

Plaintiffs,

vs

ANDREW S. FASTOW, ET AL.,

Defendants.

RUBEN AND IRENE DELGADO, et al.,

Plaintiffs,

vs

ANDREW S. FASTOW, ET AL.,

Defendants.

DON L. GUY, TRUSTEE FOR THE GUY

CIVIL ACTION NO. H-03-5332

CIVIL ACTION NO. H-03-5333

CIVIL ACTION NO. H-03-5334

CIVIL ACTION NO. H-03-5335

FAMILY LIVING TRUST, et al.,	}	
	}	
Plaintiffs,	}	
vs.	}	CIVIL ACTION NO. H-04-3330
	}	
ARTHUR ANDERSEN, LLP, et al.,	}	
	}	
Defendants.	}	
_____	}	
CYNTHIA L. ADAMS, et al.,	}	
	}	
Plaintiffs	}	
vs.	}	CIVIL ACTION NO. H-04-3331
	}	
ARTHUR ANDERSEN, LLP, et al.,	}	
	}	
Defendants.	}	
_____	}	
JANE BULLOCK, et al.,	}	
	}	
Plaintiffs,	}	
vs.	}	CIVIL ACTION NO. H-04-4455
	}	
ARTHUR ANDERSEN, LLP, et al.,	}	
	}	
Defendants.	}	
_____	}	
UNICREDITO ITALIANO SPA and	}	
BANK POLSKA KASA OPIEKI SA,	}	
	}	
Plaintiffs,	}	
vs.	}	CIVIL ACTION NO. H-04-0324
	}	
J. P. MORGAN CHASE BANK, J. P.	}	
MORGAN CHASE & CO., J. P. MORGAN	}	
SECURITIES INC., CITIBANK, N.A.,	}	
CITIGROUP, INC. and SOLOMON SMITH	}	
BARNEY, INC.	}	
	}	
Defendants.	}	
_____	}	
DK ACQUISITION PARTNERS., L.P.,	}	
KENSINGTON INTERNATIONAL	}	
LIMITED, RUSHMORE CAPITAL — I	}	

L.L.C., RUSHMORE CAPITAL — II, L.L.C. }
and SPRINGFIELD ASSOCIATES, LLC, }

Plaintiffs, }

vs. }

CIVIL ACTION NO. H-03-3393

J. P. MORGAN CHASE & CO., JPMORGAN }
CHASE BANK, J.P. MORGAN SECURITIES }
INC., CITIBANK, N.A., and CITIGROUP }
GLOBAL MARKETS, INC., f/k/a Solomon }
Smith Barney, }

Defendants. }

BAYERISCHE LANDESBANK, STANDARD }
CHARTERED BANK, DZ BANK AG }
DEUTSCHE ZENTRAL- }
GENOSSENSCHAFTSBANK, FRANKFURT }
AM MAIN, NEW YORK BRANCH, }
DRESDNER BANK AG, NEW YORK AND }
GRAND CAYMAN BRANCHES, ARAB }
BANKING CORPOIRATION (B.S.C.), NEW }
YORK BRANCH and WESTLB AG, }

Plaintiffs, }

vs. }

CIVIL ACTION NO. H-04-2154

JPMORGAN CHASE BANK, J. P. MORGAN }
SECURITIES, INC., CITIBANK, N.A. and }
SOLOMON SMITH BARNEY INC., }

Defendants. }

AVENUE CAPITAL MANAGEMENT II, L.P., }
GRACIE CAPITAL, L.P., HALCYON FUND, }
L.P., KING STREET CAPITAL, L.P., }
LONGACRE MASTER FUND, LTD., MAN }
MAC 3 LIMITED, MARATHON SPECIAL }
OPPORTUNITY MASTER FUND, LTD., }
REDWOOD MASTER FUND, LTD., }
SCOGGIN CAPITAL MANAGEMENT, L.P. }
II, SCOGGIN INTERNATIONAL FUND, }
LTD., SCOTTWOOD CAPITAL }
MANAGEMENT, LC, SPCP GROUP, LLC, }
STRATEGIC VALUE MASTER FUND, }

LTD., TRILOGY CAPITAL, LLC, }
 }
 Plaintiffs, }
 }

vs. }
 }

CIVIL ACTION NO. H-05-3031

J. P. MORGAN-CHAISE & CO., JPMORGAN }
 CHASE BANK, J.P. MORGAN SECURITIES }
 INC., CITIGROUP INC., CITIBANK, N.A., }
 and CITIGROUP GLOBAL MARKETS, INC. }
 f/k/a Solomon Smith Barney, }
 }
 Defendants. }

YOSEMITE SECURITIES TRUST I et al., }
 }
 Plaintiffs, }
 }

vs. }
 }

CIVIL ACTION NO. H-05-1191

CITIBANK N.A., et al., }
 }
 Defendants. }

THE VARIABLE ANNUITY LIFE }
 INSURANCE COMPANY, et al., }
 }
 Plaintiffs, }
 }

vs. }
 }

CIVIL ACTION NO. H-020-2680
(Coordinated)

CREDIT SUISSE FIRST BOSTON, INC., }
 et al., }
 }
 Defendants. }

VANGUARD BALANCED INDEX FUND, }
 et al., }
 }
 Plaintiffs, }
 }

vs. }
 }

CIVIL ACTION NO. H-03-5808
(Coordinated Case)

CITI BANK, N.A., et al., }
 }
 Defendants. }

SAMUAL GIANCARLO, Individually and
on behalf of all others similarly situated,

Plaintiffs,

vs.

UBS FINANCIAL SERVICES, INC., UBS
SECURITIES, L.L.C., and UBS AG.,

Defendants.

CIVIL ACITON NO. H-03-4359
(Consolidated MDL)

AMERICAN NATIONAL INSURANCE
COMPANY, et al.,

Plaintiffs,

vs.

ANDERSEN, LLP, et al.,

Defendants.

CIVIL ACTION NO. G-03-0967

AMERICAN NATIONAL INSURANCE
COMPANY, et al.,

Plaintiffs,

vs.

J. P. MORGAN CHASE & COMPANY,

Defendants.

CIVIL ACTION NO. G-02-0299

AMERICAN NATIONAL INSURANCE
COMPANY, et al.,

Plaintiffs,

vs.

LEHMAN BROTHERS HOLDINGS, INC.,
et al.,

Defendants.

CIVIL ACTION NO. G-02-0463

AMERICAN NATIONAL INSURANCE

COMPANY, et al.,
Plaintiffs,

vs.

CITIGROUP, INC., et al.,
Defendants.

CIVIL ACTION NO. G-02-0723

AMERICAN NATIONAL INSURANCE
COMPANY, et al.,
Plaintiffs,

vs.

ROYAL BANK OF CANADA,
Defendant.

CIVIL ACTION NO. G-03-0481

AMERICAN NATIONAL INSURANCE
COMPANY, et al.,
Plaintiffs,

vs.

CANADIAN IMERIAL BANK OF
COMMERCE, et al.,
Defendants.

CIVIL ACTION NO. G-05-0221

WESTBORO PROPERTIES, L.L.C., and
STONEHURTS CAPITAL, INC.,
Plaintiffs,

vs.

CREDIT SUISSE FIRST BOSTON, INC.,
et al.,
Defendants.

CIVIL ACTION NO. H-03-1276

WESTBORO PROPERTIES, L.L.C., and
STONEHURST CAPITAL, INC.,

Plaintiffs, }
 }
vs. }
 }
CANADIAN IMPERIAL BANK OF }
COMMERCE, et al., }
 }
Defendants. }
_____ }

CIVIL ACTION NO. H-05-1165

RAVENSWOOD CAPITAL - I, L.L.C., }
RAVENSWOOD CAPITAL - II, L.L.C. and }
WHITEWOOD HOLDINGS, L.L.C., }

Plaintiffs, }

vs. }
 }
CITIGROUP, INC., et al., }

CIVIL ACTION NO. H-04-4520

Defendants. }

RAVENSWOOD CAPITAL - I, L.L.C., }
RAVENSWOOD CAPITAL - II, L.L.C. and }
WHITEWOOD HOLDINGS, L.L.C., }

Plaintiffs, }

vs. }
 }
CANADIAN IMPERIAL BANK OF }
COMMERCE, et al., }

CIVIL ACTION NO. H-05-1164

Defendants. }

CALIFORNIA PUBLIC EMPLOYEES }
RETIREMENT SYSTEM, }

Plaintiffs, }

vs. }
 }
BANC OF AMERICAN SECURITIES LLC, }
et al., }

CIVIL ACTION NO. H-03-3481

Defendants. }

SILVERCREEK MANAGEMENT INC.;
SILVERCREEK LIMITED PARTNERSHIP;
SILVERCREEK II LIMITED; OIP LIMITED
and PEBBLE LIMITED PARTNERSHIP,

Plaintiffs,

vs.

CITIGROUP, INC.,

Defendant.

CIVIL ACTION NO. H-03-0815
(Coordinated)

KEVIN LAMPKIN, JANICE SCHUETTE,
ROBERT FERRELL and STEPHEN MILLER,
individually and on behalf of all others
similarly situated

Plaintiffs,

vs.

UBS PAINWEBBER, INC. and UBS
WARBURG, LLC.,

Defendants.

CIVIL ACTION NO. H-02-0851

PUBLIC EMPLOYEES RETIREMENT
SYSTEM OF OHIO, et al.,

Plaintiffs,

vs.

ANDREW S. FASTOW, et al.,
et al.,

Defendants.

CIVIL ACTION NO. H-02-4788

PAMELA M. TITTLE, et al.,

Plaintiffs,

vs.

ENRON CORP., et al.,

CIVIL ACTION NO. H-01-3913

Defendants. }

PIRELLI ARMSTRONG TIRE }
CORPORATION RETIREE MEDICAL }
BENEFITS TRUST, }

Plaintiffs, }

vs. }

KENNETH L. LAY, et al., }

Defendants. }

CIVIL ACTION NO. H-01-3645

OFFICIAL COMMITTEE OF UNSECURED }
CREDITORS OF ENRON CORP., }

Plaintiffs, }

vs. }

CIVIL ACTION NO. H-04-0091

ANDREW S. FASTOW, MICHAEL J. }
COPPER, BEN GLISAN, JR., RICHARD B. }
BUY, RICHARD A. CAUSEY, JEFFREY K. }
SKILLING, KENNETH L. LAY, KEFFREY }
McMAHON, JAMES V. DERRICK, JR., }
KRISTINA M. MORDAUNT, KATHY }
LYNN, ANNE YEAGER-PATEL, ARTHUR }
ANDERSEN, LLP, and CARL FASTOW, AS }
ADMINISTRATOR OF THE FASTOW }
FAMILY FOUNDATION, }

Defendants. }

ELAINE L. CHAO, SECRETARY OF THE }
UNITED STATES DEPARTMENT OF }
LABOR, }

Plaintiff, }

vs. }

CIVIL ACTION NO. H-03-2257
(Consolidated with H-01-3913)

ENRON CORP., et al., }

Defendants. }

ORDER AMENDING EXPERT DISCOVERY SCHEDULE IN THE CASES

COORDINATED AND CONSOLIDATED WITH NEWBY AND TITTLE

The Court having granted F&A Plaintiffs' Motion for Clarification of the Court's Scheduling Order as it Pertains to Private Action Plaintiffs (Instrument No. 3888 in *Newby*) and considered the Bank Defendants' Motion with Respect to Expert Discovery in All Cases Consolidated or Coordinated with *Newby* or *Tittle*, together with all responses to both motions, it is hereby

ORDERED that the March 12, 2004 Scheduling Order is hereby amended to hold:

1. *Newby* and *Tittle* Plaintiffs' expert witnesses named and reports of their opinions furnished by Tuesday, January 3, 2006.
2. *Newby* and *Tittle* Defendants' expert witnesses named and reports of their opinions furnished by Tuesday, February 21, 2006,
3. *Newby* and *Tittle* Plaintiffs' rebuttal expert witnesses named and their opinion reports furnished by Friday, March 17, 2006.
4. Expert discovery in *Newby* and *Tittle* completed by Friday, April 14, 2006.
5. Identification of experts, production of reports and expert deposition discovery in the consolidated, related and coordinated cases not currently proceeding under the controlling *Newby* and *Tittle* consolidated complaints, including the cases consolidated under *Pirelli Armstrong Tire Corporation Retiree Medical Benefits Trust v. Kenneth L. Lay, et al.*,¹ (the "Coordinated Cases" or a "Coordinated or Consolidated Case") shall not be governed by the

¹Civil Action No. H-01-3645 (United States District court for the Southern District of Texas-Houston Division). The other cases consolidated under *Pirelli* are: *Detectives Endowment Association Annuity Fund, derivatively on behalf of Enron Corporation v. Kenneth Lay, et al.*, No. H-02-3892; *Joseph E. Kassoway, Trustee of the Joseph E. Kassoway and Robert T. Kassoway Trust v. Andrew S. Fastow, et al.*, No. H-01-3690; *Fred Greenberg Derivatively on behalf of Enron Corp. v. Robert A. Belfer, et al.*, No. H-01-3998; *Lynn Goffman, et al. v. Robert A. Belfer, et al.*, No. H-02-1838; *David Trzebucki, et al., v. Andrew S. Fastow, et al.*, No. H-02-1832; *Rick Barsky v. Arthur Andersen LLP, et al.*, No. H-02-1922; and *Richard P. Bergsieker v. Kenneth L. Lay, et al.*, No. H-02-3427.

schedule set forth in paragraphs 1-4, and instead shall be governed by the schedule set forth in paragraphs 6-9.

6. Coordinated and Consolidated Cases Plaintiff's expert witnesses named and reports of their opinions furnished by June 1, 2006 (the "Start of Expert Discovery in the Coordinated and Consolidated Cases"). At the time of identification, the sponsoring party must indicate the specific coordinated or Consolidated Case(s) in which the expert will appear.

7. Coordinated and Consolidated Cases Defendants' expert witnesses named and reports of their opinions furnished 45 days after the Start of Expert Discovery in the Coordinated and Consolidated Cases. At the time of identification, the sponsoring party must indicate the specific Coordinated or Consolidated Case(s) in which the expert will appear.

8. Coordinated and Consolidated Cases Plaintiffs' rebuttal expert witnesses named and opinions furnished 75 days after the Start of Expert Discovery in the Coordinated and Consolidated Cases. At the time of identification, the sponsoring party must indicate the specific Coordinated or Consolidated Case(s) in which the expert will appear.

9. Expert discovery in the Coordinated and Consolidated Cases completed 135 days after the Start of Expert Discovery in the Coordinated and Consolidated Cases.

10. Although this Order provides for separate expert discovery schedules for (a) *Newby* or *Tittle*, and (b) the Coordinated and Consolidated cases, any individual or entity that is a named party in both (a) *Newby* or *Tittle*, and (b) one or more of the Coordinated and Consolidated Cases may, in its discretion, elect to present an expert designated for *Newby* or *Tittle* as an expert who may also appear at a trial of one or more of the Coordinated and Consolidated Cases. Any expert so designated will be identified, produce his or her report and be deposed during the course of the *Newby/Tittle* expert discovery schedule outlined above in paragraphs 1-4. Designation of an individual as an expert in either *Newby* or *Tittle*, and one or more of the

Coordinated and Consolidated Cases may be made in writing (with specific Coordinated or Consolidated Case(s) identified) at the time the expert's identity is first disclosed and report is provided pursuant to paragraphs 1-3 above. Where such designation procedure is followed, parties to the identified Coordinated and Consolidated Cases (even if not parties in *Newby* or *Tittle*) shall be invited to participate in the depositions of these designated experts and, except as provided for below in paragraph 11, these experts shall not be required to sit for a second deposition.

11. Any expert who has been identified, produced a report, been deposed during the time period outlined in paragraphs 1-4 of the Order and properly designated as a Coordinated and Consolidated Case expert pursuant to paragraph 10 may appear in the so designated Coordinated or Consolidated Case(s) and may, in the discretion of the sponsoring party, produce a supplemental report during the time period identified in paragraphs 6-9 of this Order that relates to the specific Coordinated and Consolidated Case(s) in which the expert will appear. If an expert produces a supplemental report, he or she shall be made available to sit for a supplemental deposition in the applicable Coordinated and Consolidated Case(s) limited to new matters covered by the supplemental report.

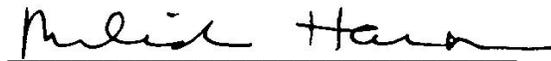
12. A party may later designate an expert identified with *Newby* or *Tittle* for one or more of the Coordinated and Consolidated Cases — even if that expert was not identified at the time of *Newby/Tittle* initial disclosure as a Coordinated and Consolidated Case expert (as outlined in paragraph 10) — by making such designation consistent with the time periods outlined in paragraphs 6-9. In such circumstances that expert will be subject to a second deposition by the parties to the relevant Coordinated and Consolidated Cases.

13. It is the intent of this Order that wherever possible each expert only be deposed one time and, if deposed for a second time as provided for in the limited circumstances outlined in paragraph 11 and 12, for as short a time period as is reasonable. Absent extraordinary

circumstances and an Order of the Court, no expert shall be deposed more than twice — once during the expert discovery period outlined in paragraphs 1-4, and, if applicable under paragraphs 11 and 12, once during the Coordinated and Consolidated cases discovery period outlined in paragraphs 6-9.

14. Nothing in this Order shall preclude the parties from seeking further modification of the expert discovery schedule following the Court's ruling on the *Newby* or *Tittle* class certification motions or at any other time as circumstances warrant.

SIGNED at Houston, Texas, this 7th day of November, 2005.

A handwritten signature in black ink, appearing to read "Melinda Harmon", written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE